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Sent: Friday, March 3, 2023 11:55 AM
To: Bottoms, Bradley <Bradley.Bottoms@mail.house.gov>
Cc: Kingston, Jack <jack.kingston@squirepb.com>
Subject: Ethiopia Out-of-Cycle Review Petition Submitted

Hi Bradley,

Sending an FYI that today, March 3, we submitted the attached petition for an out-of-cycle review of Ethiopia's AGOA eligibility to the USTR. Please let us know if you have any questions. We appreciate Congressman Garamendi's ongoing leadership and support to restore the USG-GoE relationship and look forward to further collaboration to build additional support.

Thank You,
Bradford

Please note that Squire Patton Boggs and I both work on behalf of the Government of Ethiopia and are registered under FARA.



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March 3, 2023

Ambassador Katherine Tai
United States Trade Representative
600 17th Street NW
Washington, D.C. 20006

Re: Ethiopia Out of Cycle Review Petition

Dear Ambassador Tai:

Squire Patton Boggs represents the Government of the Federal Democratic Republic of Ethiopia ("GoE").¹ We are pleased to submit on its behalf this petition for an out-of-cycle review seeking restoration of Ethiopia as a beneficiary country under the *African Growth and Opportunity Act* (AGOA).

On January 1, 2022, the U.S. Government terminated Ethiopia from the AGOA trade preference program.² In a letter from the Office of the United States Trade Representative (USTR) dated November 2, 2021 ("USTR Letter"), USTR explained that Ethiopia did not meet the AGOA eligibility requirement to "not engage in gross violations of internationally recognized human rights...and [cooperate] in international efforts to eliminate human rights violations." The letter provided "clear benchmarks for a pathway towards reinstatement"³ that included taking tangible steps to address gross violations of internationally recognized human rights, cooperating with humanitarian efforts, and halting military operations to establish a durable ceasefire.

Since that time, the GoE has achieved or is "making continual progress" towards achieving these benchmarks and urges USTR to initiate an out-of-cycle review to evaluate Ethiopia's eligibility under the AGOA program.

¹ Squire Patton Boggs (US) LLP is registered with the U.S. Department of Justice as a foreign agent on behalf of the Government of Ethiopia, pursuant to the *Foreign Agents Registration Act*.

² Press Release, Office of the U.S. Trade Representative, U.S. Terminates AGOA Trade Preference Program for Ethiopia, Mali, and Guinea (Jan. 1, 2022), available at <https://ustr.gov/about-us/policy-offices/press-office/press-releases/2022/january/us-terminates-agoa-trade-preference-program-ethiopia-mali-and-guinea#:~:text=U.S.%20Terminates%20AGOA%20Trade%20Preference%20Program%20for%20Ethiopia%2C%20Mali%20and%20Guinea,-January%201%2C%202022&text=WASHINGTON%20%E2%80%93%20The%20United%20States%20today,violati on%20of%20the%20AGOA%20Statute.>

³ *Id.*

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Ambassador Katherine Tai
United States Trade Representative
March 3, 2023

I. Exceptional Circumstances Warranting an Out-of-Cycle Review

The GoE's (i) historic signing and implementation of the Agreement for Lasting Peace Through Permanent Cessation of Hostilities ("Peace Agreement"), (ii) establishment of international third-party monitoring, (iii) resumption of unfettered humanitarian aid, (iv) restoration of services, including telecommunications, electricity, and banking, and (v) development of a transitional justice framework, are sufficient exceptional circumstances to warrant an out-of-cycle review.

On November 2, 2022, the GoE and the TPLF signed the Peace Agreement that established the "immediate and permanent cessation of hostilities" between the GoE and the Tigray People's Liberation Front (TPLF).⁴ The Peace Agreement institutes a broad range of requirements on the parties, including to:

- "Protect the human rights of the civilian population and commit to upholding applicable international humanitarian law instruments;"
- End sexual and gender-based violence against children, women, and the elderly;
- Commit to "unhindered humanitarian access" and "expedite provision of humanitarian aid;" and
- "Implement a comprehensive national transitional justice policy aimed at accountability, ascertaining the truth, redress for victims, reconciliation, and healing, consistent with Constitution of FDRE and the African Union Transitional Justice Policy Framework."⁵

The Peace Agreement also established the African Union's Monitoring, Verification, and Compliance Mission (AU MVCM), which launched on December 29, 2022.⁶ The mission of the AU MVCM is to "ensure a permanent halt to fighting and violence,"⁷ and "monitor, verify, and observe compliance" with the Peace Agreement.⁸

The GoE and Tigray region officials have given the African Union full access to oversee implementation of the Peace Agreement.⁹ At the end of December 2022, an AU MVCM delegation arrived in Mekelle, the Tigray region's capital, and the full team arrived by January 2023 to monitor and ensure the implementation of the Peace Agreement.¹⁰ And, in February 2023, for the first

⁴ *Five Key Takeaways from the Ethiopia Peace Deal*, Al Jazeera (Nov. 4, 2022), available at <https://www.aljazeera.com/news/2022/11/4/five-key-takeaways-from-the-ethiopia-peace-deal>.

⁵ AGREEMENT FOR LASTING PEACE THROUGH PERMANENT CESSATION OF HOSTILITIES BETWEEN THE GOVERNMENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA AND THE TIGRAY PEOPLE'S LIBERATION FRONT (Nov. 22, 2022), available at <https://chilot.me/2022/11/03/agreement-for-lasting-peace-through-a-permanent-cessation-of-hostilities-between-the-government-of-the-federal-democratic-republic-of-ethiopia-and-the-tigray-peoples-liberation-front-tplf/>.

⁶ *Ethiopia/ Tigray Peace Process Underway*, Defence Web (Jan. 3, 2023), available at <https://www.defenceweb.co.za/joint/diplomacy-a-peace/ethiopia-tigray-peace-process-underway/>.

⁷ *Id.*

⁸ *Id.*

⁹ Mohammed Yusuf, *Ethiopia, Tigray Rebels Agree to African Monitoring Team*, VOA News (Dec. 23, 2022), available at <https://www.voanews.com/a/ethiopia-tigray-rebels-agree-to-african-union-monitoring-team/6888899.html>.

¹⁰ *Ethiopian Police Enter Tigray Capital under Peace Agreement*, Associated Press (Dec. 29, 2022), available at <https://apnews.com/article/ethiopia-government-law-enforcement-af8014440941fb42f6ea131bbb5ec673>; *The African Union Successfully Deploys Full Team of its Monitoring, Verification and Compliance Mission in Mekelle, Tigray Region of Ethiopia*, African Union (Jan. 11, 2023), available at <http://www.peaceau.org/en/article/the-african-union-successfully-deploys-the-full-team-of-its-monitoring-verification-and-compliance-mission-in-mekelle-tigray-region-of-ethiopia>.

Squire Patton Boggs (US) LLP

Ambassador Katherine Tai
United States Trade Representative
March 3, 2023

time since hostilities, Prime Minister Abiy led peaceful discussions inside Ethiopia between GoE and TPLF delegations, deepening trust to continue coordinated efforts to implement the Peace Agreement.¹¹

The African Union's Joint Committee for implementing and monitoring the Peace Agreement has "commended the steadfast commitment and good faith implementation displayed by the two Parties."¹² Observers have generally "expressed confidence in normalcy returning to the Tigray region and peace in Ethiopia."¹³ Humanitarian aid entered Tigray immediately after the Peace Agreement was signed. The GoE has also restored power, water, banking, and telecommunications to the region.¹⁴ Tigrayan forces have begun handing over heavy weapons, including tanks, rockets, and mortars, as verified by the AU MVCN.¹⁵ And Eritrean troops have withdrawn from the Tigray region.¹⁶

On January 3, 2023, the Ethiopian Ministry of Justice published a draft discussion paper regarding policy options to establish an effective transitional justice framework, as prescribed under the Peace Agreement. This paper discusses the means by which the GoE can address the human rights violations in Ethiopia to hold perpetrators accountable and to prevent the recurrence of such violations.¹⁷ The Ministry iterated the GoE's duty to "conduct effective investigation into all human rights violations and prosecute alleged perpetrators before independent courts," "bring[ing] within its fold all government officials and officers, members of armed groups, as well as individuals who had committed human rights violations."¹⁸

Ethiopia's Ministry of Justice has invited domestic and international stakeholders to contribute to the development of the transitional justice framework.¹⁹ Accordingly, the U.S. Department of State's Bureau of Democracy, Human Rights, and Labor has announced funding for civil society actors to "support complementary and integrated . . . efforts to achieve transitional justice goals as defined by Ethiopian citizens," as proposed under the GoE's transitional justice proposal.²⁰

¹¹ *Ethiopian PM meets Tigray region leaders for first time since peace deal*, Reuters (Feb. 4, 2023), available at .

¹² Press Release, Monitoring the Implementation of Peace Agreement for Northern Ethiopia – Joint Committee Inaugurated by African Union (Feb. 10, 2023), available at <https://reliefweb.int/attachments/f10e9877-3321-4d22-8d21-bd482db2c3d1/press-release-mvcm-ethiopia-feb-2023-final.pdf>.

¹³ Yusuf, *supra* note 9.

¹⁴ Maya Misikir, *Tigray Forces Start Handing Over Heavy Weapons as Part of Peace Deal*, VOA News (Jan. 11, 2023), available at <https://www.voanews.com/a/tigray-forces-start-handing-over-heavy-weapons-as-part-of-peace-deal-6913979.html>.

¹⁵ *Id.*

¹⁶ Press Release, Office of the Spokesperson, Secretary Blinken's Call with Ethiopian Prime Minister Ahmed, (Jan. 23, 2023), available at <https://www.state.gov/secretary-blinkens-call-with-ethiopian-prime-minister-ahmed-2/>. See, e.g., *id.*; Cara Anna, *Witnesses: Eritrean Troops Withdrawing From Towns in Tigray*, Associated Press (Jan. 20, 2023), available at <https://apnews.com/article/politics-ethiopia-government-eritrea-business-50d9739687f39efb780273884f12b890>.

¹⁷ FDRE Ministry of Justice via TWITTER (Jan. 3, 2023), available: https://drive.google.com/file/d/1WtWw91li1ebKmNZUtZM-Y5xoTqKkEghr/view?usp=share_link [hereinafter Transitional Justice Framework].

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Funding Opportunity Announcement, Bureau of Democracy, Human Rights, and Labor, Notice of Funding Opportunity (NOFO): DRL: Advancing Survivor Centered Transitional Justice in Ethiopia, (Feb. 13, 2023), available at <https://www.state.gov/notice-of-funding-opportunity-nofo-drl-advancing-survivor-centered-transitional-justice-in-ethiopia/>.

Squire Patton Boggs (US) LLP

Ambassador Katherine Tai
United States Trade Representative
March 3, 2023

This endorsement from the State Department underscores the substantive change in Ethiopia's circumstances, from hostilities to peace, towards reconciliation.

The Peace Agreement has garnered global support. The European Union expressed its approval of the "progress already made since the signing of the [Peace Agreement]" and its willingness to "support the implementation of the agreement."²¹ The United Nations likewise expressed praise for the agreement and called upon the international community to "support the bold steps taken" by GoE and Tigrayan leadership.²² The U.S. Government particularly commended the AU MCVM as an "important step toward securing lasting peace for the people of northern Ethiopia" and stated that the United States is ready to support "full implementation" of the Peace Agreement.²³ Secretary of State Blinken acknowledged Ethiopia's "significant progress" in implementing the Peace Agreement.²⁴

These historic and exceptional circumstances sufficiently justify USTR's initiation of an out-of-cycle review for Ethiopia. Initiating an out-of-cycle review of Ethiopia's status as a beneficiary country under AGOA is a key step in supporting Ethiopia, its citizens, and especially the women and children who are disproportionately impacted by Ethiopia's termination from the program.

II. Resumption of Humanitarian Assistance

The GoE has achieved the humanitarian benchmarks outlined in the USTR Letter: it facilitated humanitarian operations effectively; undertook the maintenance and restoration of electricity and telecommunications services; and halted military operations. Not only has the GoE "negotiate[d] in good faith . . . to establish a durable ceasefire," as required by the USTR Letter, the GoE has signed and is implementing the Peace Agreement as described above.

Throughout the conflict that began in 2020, when Tigray Special Forces (TSF) attacked the Northern Command of Ethiopian National Defense Forces (ENDF), the GoE has taken continual steps to ensure access for humanitarian assistance. The GoE sought multiple times to resolve the conflict by declaring unilateral ceasefires for humanitarian purposes while awaiting a similar

²¹ Press Release, Council of the European Union, Ethiopia: Statement by the High Representative on Behalf of the EU (Dec. 22, 2022), available at <https://www.consilium.europa.eu/en/press/press-releases/2022/12/22/ethiopia-statement-by-the-high-representative-on-behalf-of-the-eu/>.

²² Statement by Stephane Dujarric, Spokesman for the Secretary General, on the Agreement for Lasting Peace Through a Permanent Cessation of Hostilities between the Government of the Federal Democratic Republic of Ethiopia and the Tigray People's Liberation (Nov. 2, 2022), available at <https://www.un.org/sg/en/content/sg/statement/2022-11-02/statement-attributable-the-spokesperson-for-the-secretary-general-the-agreement-for-lasting-peace-through-permanent-cessation-of-hostilities-between-the-government-of>.

²³ Press Statement, Anthony Blinken, Secretary of State, Launch of the AU Monitoring, Verification, and Compliance Mission in Ethiopia (Dec. 29, 2022), available at <https://www.state.gov/launch-of-the-au-monitoring-verification-and-compliance-mission-in-ethiopia/>.

²⁴ Secretary Antony Blinken (@SecBlinken), TWITTER (Jan. 21, 2023, 5:10 PM), https://twitter.com/SecBlinken/status/1616921078017794049?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwtterm%5E1616921078017794049%7Ctwtgr%5E4fa78b9c6a8494f7835ad953a758f10a8e340d8b%7Ctwtcon%5Es1&ref_url=https%3A%2F%2Fwww.thedefensepost.com%2F2023%2F01%2F23%2Feritrea-troops-leave-tigray-city%2F.

Squire Patton Boggs (US) LLP

Ambassador Katherine Tai
United States Trade Representative
March 3, 2023

commitment from the TPLF.²⁵ In June 2021, the GoE declared a unilateral ceasefire to “create enabling conditions for farmers to till their land, facilitate humanitarian assistance, and seek a lasting political solution to conflict.”²⁶ However, shortly afterwards, the TPLF expanded into the Afar and Amhara regions committing egregious human rights violations and inflicting immense casualties – forcing the GoE to launch a counter-offensive to help its citizens in these regions.²⁷ Still, again, in March 2022, the GoE declared an “indefinite humanitarian truce” to facilitate “free flow of humanitarian assistance and improve the humanitarian situation on the ground.”²⁸ The TPLF yet again violated the truce attacking Bisober, Zobel, and Tekulesion, forcing the GoE to respond to these offenses.²⁹ Finally, in October of 2022, the TPLF accepted peace talk invitations by the African Union, and the GoE and TPLF signed the Peace Agreement on November 2, 2022.³⁰

The Peace Agreement brought about a permanent cessation of military operations and allowed “unhindered humanitarian access.” The U.S. Government has acknowledged that “humanitarian access permissions [] have already been restored” and welcomed the GoE’s “firm commitments for humanitarian assistance.”³¹

The GoE remains committed to “unhindered humanitarian access” and has “expedite[d] provision of humanitarian aid.” Federal police have re-entered Mekelle to protect airports, power, and telecommunications installations, which have been maintained and restored since December.³² This has facilitated the “regular arrival” of humanitarian aid deliveries in the region.³³ More than four million people have received aid via expanded humanitarian corridors through the Tigray, Afar, and Amhara regions.³⁴ As of February 2, 2023, 83 percent of targeted people for food assistance across Tigray were assisted.³⁵ Since the signing of the Peace Agreement, humanitarian deliveries have totaled over 127,000 metric tons of food supplies, 14,000 metric tons of non-food items, and 1,400 metric tons of medicine.³⁶ As of February 6, 2023, “more than 4,088 trucks of humanitarian cargo and fuel” have arrived in Tigray with “more than half of the gas stations in Mekelle”

²⁵ “FDRE Ministry of Justice via Twitter (September 19, 2022), available: <https://drive.google.com/file/d/1Ksu0IDUBPibFMRPFRxfWCVZjHceSuATk/view> [hereinafter Criminal Investigation Report].

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ Press Release, U.S. Dep’t of State, Resumption of Humanitarian Assistance to Northern Ethiopia (Nov. 12, 2022), available at <https://www.state.gov/resumption-of-humanitarian-assistance-to-northern-ethiopia/>.

³² *Ethiopian Police Enter Tigray Capital*, *supra* note 10; Maya Misikir, *Tigray Forces Start Handing Over Heavy Weapons as Part of Peace Deal*, VOA News (Jan. 11, 2023), available at <https://www.voanews.com/a/tigray-forces-start-handing-over-heavy-weapons-as-part-of-peace-deal-6913979.html>.

³³ Ethiopia Situation Report, UN OCHA (Jan. 18, 2023), available at <https://reliefweb.int/report/ethiopia/ethiopia-situation-report-18-jan-2023>.

³⁴ Xinhua News Agency, *Over 3.3 Million People in Ethiopia’s Tigray Receive Humanitarian Aid Since October*; UN, Macau Business (Jan. 6, 2023), available at <https://www.macaubusiness.com/over-3-3-mln-people-in-ethiopia-tigray-receive-humanitarian-aid-since-october-un/>; Ethiopia Situation Report (Jan.), *supra* note 33; Ethiopia Situation Report, UN OCHA (Feb. 2, 2023), available at <https://reliefweb.int/report/ethiopia/ethiopia-situation-report-2-feb-2023>.

³⁵ Ethiopia Situation Report (Feb.), *supra* note 34.

³⁶ *See id.*; Xinhua News Agency, *supra* note 34; Ethiopia Situation Report (Jan.), *supra* note 33.

Squire Patton Boggs (US) LLP

Ambassador Katherine Tai
United States Trade Representative
March 3, 2023

resuming services.³⁷ Further humanitarian operations have begun in “hard-to-reach areas,” including Asgende, Zana, and Tahitay Adiabo.³⁸ In addition, the GoE is working closely with UNHCR to support displaced individuals, including through the establishment of a settlement for refugees in the northwestern Amhara region.³⁹

With the permanent cessation of hostilities; the resumption of humanitarian aid, telecommunications services, and power; and the GoE’s enduring commitment to facilitate the “unimpeded import” of humanitarian assistance, the GoE has achieved the “clear benchmarks” in this area for the reinstatement of AGOA benefits to “restore [the] beneficial relationship” between Ethiopia and the United States.

III. Protection of Human Rights

As urged by the USTR Letter, the GoE has taken and continues to take “tangible steps to address gross violations of internationally recognized human rights,” including allowing international human rights monitors access to investigate and report.

Ethiopian Prime Minister Abiy Ahmed expressed appreciation for the findings released on November 3, 2021, of a joint investigation by the Ethiopian Human Rights Commission (EHRC) and the Office of the United Nations (UN) High Commissioner for Human Rights (OHCHR) regarding alleged human rights violations and abuses, and violations of international humanitarian law and refugee law committed in the context of the conflict in Tigray.⁴⁰ The report covered the period from November 3, 2020, when the armed conflict began, until June 28, 2021, when the GoE declared a unilateral ceasefire.⁴¹ Prime Minister Abiy stated that the report “complements [the GoE’s] on-going effort to provide redress to victims, ensure accountability, and take preventative measures,” emphasizing that many findings were consistent with the GoE’s own investigation.⁴²

The report rejected baseless claims against the GoE, stating that it did not find evidence that the GoE engaged in “deliberate or willful denial of humanitarian assistance to the civilian population in Tigray or the use of starvation as a weapon of war.”⁴³ The report further recognized that the conflict was triggered by the TPLF and documented the egregious violations of human rights

³⁷ Ethiopia Situation Report, Background UN OCHA (last updated Feb. 23, 2023), available at https://reports.unocha.org/en/country/ethiopia?_gl=1%2a1e8e88p%2a_ga%2aMTc2MzU3Mjc3NS4xNjc3Njg0Mzcz%2a_ga_E60ZNX2F68%2aMTY3NzY4ODc5MC4yLjEuMTY3NzY4OTY1Ni41NS4wLjA.

³⁸ Ethiopia Situation Report (Jan.), *supra* note 33.

³⁹ Moulid Hujale, *Northern Ethiopia Peace Deal Restores Hope for Displaced*, UNHCR (Feb. 8, 2023), available at <https://www.unhcr.org/news/stories/2023/2/63e3aa3a4/northern-ethiopia-peace-deal-restores-hope-displaced.html>.

⁴⁰ Report of the Ethiopian Human Rights Commission (EHRC)/Office of the United Nations High Commissioner for Human Rights (OHCHR) Joint Investigation into Alleged Violations of International Human Rights, Humanitarian and Refugee Law Committed by all Parties to the Conflict in the Tigray Region of the Federal Democratic Republic of Ethiopia (2021), UN Office of the High Commissioner for Human Rights, available at <https://digitallibrary.un.org/record/3947207?ln=en> [hereinafter EHRC/OHCHR Report].

⁴¹ *Id.*

⁴² *PM Abiy Expresses Appreciation to Joint Investigation Report Team*, Fana Broadcasting Corporation (Nov. 3, 2021), available at <https://www.fanabc.com/english/pm-abiy-statement-with-respect-to-joint-investigation-team-report-of-ehrcunohchr/>.

⁴³ EHRC/OHCHR Report, *supra* note 40.

Squire Patton Boggs (US) LLP

Ambassador Katherine Tai
United States Trade Representative
March 3, 2023

made by the Tigray forces, particularly the detaining, beating, and torturing of civilians who are ethnic Amharas.⁴⁴

Regarding claims in the report against the GoE troops and regional forces, Prime Minister Abiy stated the GoE “takes these allegations seriously and [is] committed to bringing perpetrators to justice.”⁴⁵ Accordingly, the GOE “redouble[d]” its efforts to investigate and prosecute these violations by establishing a high-level inter-ministerial task force comprised of the Minister of Justice, the Minister of Defense, the Minister of Peace, the Minister of Social and Women’s Affairs, a state Minister of Finance, and a state Minister of Foreign Affairs.⁴⁶ The goal of this task force is to:

craft, adopt, and oversee the implementation of a comprehensive strategy that would enable [the GoE] to investigate the allegations included in the report, bring all perpetrators of serious crimes to justice, and provide the redress and the psycho-social support needed for victims of these violations, in particular victims of gender-based atrocities.⁴⁷

Beginning in July 2022, the task force began investigating “serious violations of pertinent national laws, international human rights, and international humanitarian laws committed by members of the ENDF and other forces,” including the Amhara Special Forces, Amhara Militia, Afar Special Force, Afar Militia, and Fano group.⁴⁸ The investigation was concluded in December 2022, with a published report of its findings to follow.⁴⁹ As part of the initial investigation, however, the task force determined that the TPLF perpetrated the “sheer majority of extrajudicial killings” and the “overwhelming majority” of sex and gender-based violence crimes as well as carried out “cruel methods” of torture and “arbitrary arrests without following any legal procedures.”⁵⁰ The task force further found proof that the TPLF destroyed “thousands of civilian homes and caused widespread destruction of civilian infrastructure, public properties, religious institutions, and private commercial establishments.”⁵¹ Yet, the task force has “pledged to undertake a comprehensive and impartial investigation into *all* alleged incidences of serious violations,” including those committed by “[the GoE’s] agencies.”⁵²

In conjunction with the investigation conducted by this task force, the GoE also undertook criminal investigations of human rights violations in Tigray, Amhara, and Oromia.⁵³ The GoE confirmed in August 2022 that the first batch of decisions from the prosecution proceedings in the Military Court rendered 25 convictions, involving imprisonments of up to 25 years, including one life sentence.⁵⁴ Thirty-three cases remain pending, involving rape (16), extrajudicial killings (9), bodily injury (7) and assault (1).⁵⁵

⁴⁴ *Id.*

⁴⁵ *PM Abiy Expresses Appreciation*, *supra* note 42.

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ Criminal Investigation Report, *supra* note 25.

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.* (*emphasis added*).

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.*

Squire Patton Boggs (US) LLP

Ambassador Katherine Tai
United States Trade Representative
March 3, 2023

The Peace Agreement further requires the GoE to “implement a comprehensive national transitional justice policy aimed at accountability, ascertaining the truth, redress for victims, reconciliation, and healing, consistent with the FDRE Constitution and the African Union transitional justice policy framework.” As discussed above, the transitional justice framework draft discussion paper published January 3, 2023 demonstrates the GoE’s commitment to ensuring an end to all gross violations of internationally recognized human rights and holding perpetrators accountable.

Prime Minister Abiy captured the intentions of the GoE when he stated that Ethiopia:

welcome[s] the assistance and cooperation of our friends and allies as well as international institutions based on our needs and requests, as we continue to ensure the prevalence of the rule of law, the protection of human rights under democratic principles, and continue our political and economic reform to build a stable, peaceful, and prosperous nation.⁵⁶

Accordingly, the GoE has worked with the EHRC and UN OHCHR in sending human rights experts teams to the conflict regions. From July to December 2022, the team conducted 13 field consultations interviewing victims of human rights violations in these communities (Afar, Amhara, Harari, Oromia and Somali, Tigray, and Dire Dawa city administration).⁵⁷

To build on these efforts, the GoE has invited domestic and international stakeholders to contribute to the development and implementation of the transitional justice framework. As addressed above, the U.S. Department of State’s Bureau of Democracy, Human Rights, and Labor has announced funding for civil society actors to “support complementary and integrated . . . efforts to achieve transitional justice goals as defined by Ethiopian citizens,” as proposed under the GoE’s transitional justice proposal.⁵⁸ The U.S. Department of State’s ongoing support will advance the GoE’s work to promote the accountability and inclusive process necessary for lasting peace and reconciliation.

USTR’s reinstatement of Ethiopia’s AGOA status will serve a vital role in supporting Ethiopia’s transitional justice system, by ensuring Ethiopia’s vulnerable citizens across Ethiopia, particularly women and children, can benefit from the progress of peace without delay. The GoE is deeply committed to addressing alleged violations of human rights and is “making continual progress” towards “hold[ing] those responsible accountable” and preventing the recurrence of such violations. International human rights monitors, in accordance with the Peace Agreement, will continue to have “unhindered access” to Afar, Amhara, and Tigray to monitor and help the GoE investigate such cases and to ensure successful implementation of the Peace Agreement.

⁵⁶ *PM Abiy Expresses Appreciation*, supra note 39.

⁵⁷ Country Reports, UN Human Rights Office of the High Commissioner, EHRC/OHCHR’s Joint Advisory Note and Key Findings Stemming from Community Consultations on Transitional Justice to Inform the Development of a Transitional Justice Policy Framework for Ethiopia (Dec. 19, 2022), available at <https://www.ohchr.org/en/documents/country-reports/ehrc-ohchrs-joint-advisory-note-and-key-findings-stemming-community>.

⁵⁸ Funding Opportunity Announcement, Bureau of Democracy, Human Rights, and Labor, Notice of Funding Opportunity (NOFO): DRL: Advancing Survivor Centered Transitional Justice in Ethiopia, (Feb. 13, 2023), available at <https://www.state.gov/notice-of-funding-opportunity-nofo-drl-advancing-survivor-centered-transitional-justice-in-ethiopia/>.

Squire Patton Boggs (US) LLP

Ambassador Katherine Tai
United States Trade Representative
March 3, 2023

IV. Disproportionate Impact on Women

While the GoE is committed to “making continual progress” to the benchmarks in the USTR Letter, Ethiopia’s continued suspension from the AGOA program disproportionately impacts vulnerable women rather than the parties that were actually engaged in the hostilities.⁵⁹

Prior to Ethiopia’s disqualification from AGOA, the nation made immense strides to transform its economy into a leading textile industry that predominantly employs women.⁶⁰ This industry’s growth was highly attributed to AGOA as demonstrated by Ethiopia’s textile exports to the United States that grew from 10 percent in 2014 to 69 percent in 2019.⁶¹ With 80 to 90 percent of the Ethiopian textile manufacturing jobs belonging to women, the nation’s textile industry has provided many women their first-ever paying job, empowering them and feeding their families.⁶²

Approximately 56,000 Ethiopian jobs are reliant on U.S. exports under AGOA.⁶³ Trade unions estimate that several thousand jobs have been lost because of Ethiopia’s termination from the AGOA program and estimate that several thousands more will be lost if termination continues into 2023.⁶⁴ Many young women will continue to lose their jobs, unnecessarily risking food and economic insecurity as well as sexual violence for women and their families across Ethiopia.⁶⁵

Should the U.S. Government fail to initiate an out-of-cycle review to reinstate Ethiopia’s AGOA benefits, the United States will continue to endanger the wellbeing of ordinary citizens, particularly women, despite the GoE’s commitment to the Peace Agreement and its demonstrated progress to the benchmarks outlined by USTR. Continued suspension from the AGOA program gravely threatens Ethiopia’s burgeoning manufacturing sector that has contributed to Ethiopia’s efforts to achieve greater equity.

The GoE is confident of its work towards meeting the benchmarks outlined in the USTR Letter. It has taken the necessary steps to end the conflict, resume humanitarian aid (multiple times), and address human rights violations. Ethiopia has achieved or is “making continual progress towards achieving” the AGOA eligibility criteria and urges USTR to initiate an out-of-cycle review to restore

⁵⁹ See Fasika Berhane, *Ethiopia: Women Increasing Participation in Manufacturing Sector*, The Ethiopian Herald (Mar. 31, 2017), available at [https://allafrica.com/stories/201703310591.html#:~:text=Ethiopia%3A%20Women%20Increasing%20Participation%20in%20Manufacturing%20Sector%2031.for%20wealth%20creation%2C%20employment%20generation%20and%20poverty%20reduction](https://allafrica.com/stories/201703310591.html#:~:text=Ethiopia%3A%20Women%20Increasing%20Participation%20in%20Manufacturing%20Sector%2031.for%20wealth%20creation%2C%20employment%20generation%20and%20poverty%20reduction;); Bryant Harris, *Ethiopia ‘Lashes Out at US Over Possible Trade Pact Expulsion*, AGOA.info (October 08, 2021), available at <https://agoa.info/news/article/15896-ethiopia-lashes-out-at-us-over-possible-trade-pact-expulsion.html#:~:text=It%20says%20she%20is%20one%20of%20hundreds%20of.Saron%20would%20face%20forced%20marriage%20and%20illegal%20migration.%E2%80%9D>.

⁶⁰ *Id.*

⁶¹ Ashenafi Endale, *Ips Export 85% Below Potential*, World Bank, The Reporter, (Dec. 24, 2022), available at <https://www.thereporterethiopia.com/28902/>.

⁶² Bryant Harris, *Ethiopia ‘Lashes Out at US Over Possible Trade Pact Expulsion*, AGOA.info (October 08, 2021), available at <https://agoa.info/news/article/15896-ethiopia-lashes-out-at-us-over-possible-trade-pact-expulsion.html#:~:text=It%20says%20she%20is%20one%20of%20hundreds%20of.Saron%20would%20face%20forced%20marriage%20and%20illegal%20migration.%E2%80%9D>.

⁶³ Ashenafi Endale, *supra* note 57.

⁶⁴ See *Ethiopia PM Requests US to Restore AGOA Ties*, Journal du Cameroun (Dec. 17, 2022), available at <https://www.journalducameroun.com/en/ethiopia-pm-requests-us-to-restore-agoa-ties/>.

⁶⁵ *Id.*

Squire Patton Boggs (US) LLP

Ambassador Katherine Tai
United States Trade Representative
March 3, 2023

the "historic relationship between our two countries" and "advance economic partnerships that benefit all Ethiopians."

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "F. Samolis", with a stylized flourish at the end.

Frank R. Samolis
Senior Partner
Squire Patton Boggs (US) LLP

Cc: Constance Hamilton, Assistant U.S. Trade Representative for Africa